

EATON COUNTY TEA PARTY LIBERTY PRESERVATION RESOLUTION:

WHEREAS, the Constitution of the United States is the foundation of our nation's rights and freedom, and the basis of our representative democracy; **AND**

WHEREAS, the indefinite military detention without trial of any person, including US citizens, could be allowed by Sections 1021 and 1022 of the National Defense Authorization Act (NDAA); **AND**
WHEREAS, the indefinite military detention of any person without trial violates the 4TH, 5th and 6th amendments of the Constitution of the United States, Article III of the Constitution of the United States, and the Posse Comitatus Act; **AND**

WHEREAS, the NDAA corrodes the ideals of presumed innocence and right to a fair trial on which our nation was founded, and which generations of activists and military servicemen and women have fought to preserve; **AND**

WHEREAS, this Eaton County Tea Party a body of We the People, re-affirms its gratitude for the supreme sacrifice of those in the Armed Forces who have died in battle in the name of those same cherished rights and liberties; **AND**

WHEREAS, the NDAA's detention provisions could, under *Humanitarian Law Project v. Holder*, allow the targeted detention of activists, journalists and other Americans exercising their First Amendment rights despite the crucial role of Free Speech in preserving liberty; **AND**

WHEREAS, the NDAA's detention provisions could allow the recurrence of torture in military detention in violation of the Eighth Amendment; **AND**

WHEREAS, the detention provisions could force US military service members to serve as domestic jailers, a role for which they are neither trained nor equipped, nor is ever appropriate and is highly unconstitutional; **AND**

WHEREAS, the FBI Director, the Defense Secretary, the Director of National Intelligence, the Department of Defense, and many of our nation's generals, admirals, judges and servicemen and women have opposed the NDAA's detention provisions; **AND**

WHEREAS, this Eaton County Tea Party a body of We the People, has an extensive duty and did take a Pledge of Allegiance to our civil rights and liberties as embodied in those inalienable rights endowed to us by our creator through this natural law found through out the Constitution of the United States of America and it's our duty in the rejection of said sections 1021 and 1022 of the 2012 NDAA;

NOW BE IT RESOLVED THAT, the Eaton County Tea Party condemns in no uncertain terms Sections 1021 and 1022 of the 2012 NDAA as they purport to 1) repeal *Posse Comitatus* and authorize the President of the United States to utilize the Armed Forces of the United States to police the United States of America, 2) indefinitely detain persons captured within the United States of America without charge until the end of hostilities as purportedly authorized by the 2001 Authorization for Use of Military Force, 3) subject persons captured within the United States of America to military tribunals, and 4) transfer persons captured within the United States of America to a foreign country or foreign entity; and

BE IT RESOLVED, that this Eaton County Tea Party finds that the enactment into law by the United States Congress of Sections 1021 and 1022 of the National Defense Authorization Act of 2012, Public Law Number 112-81, is inimical to the liberty, security and well-being of the people of Eaton County and the free people of Michigan and was adopted by the United States Congress in violation of the limits of federal power in the United States Constitution; and

BE IT RESOLVED, that this Eaton County Tea Party formally request all agencies of Eaton County up to and including Eaton County Sheriff Department and all police departments in the jurisdiction of Eaton County are respectively requested to decline requests by federal agencies acting under detention powers of Sections 1021 and 1022 of the National Defense Authorization Act of 2012 that could infringe upon residents freedom of speech, religion, assembly, privacy, rights to counsel, or other rights not here explicitly enumerated as well as their safety from harm committed by politically powerful domestic enemies of the Constitution; and

BE IT RESOLVED, that this EatonCounty Tea Party formally requests that the Eaton County Board of Commissioners approves the Eaton Liberty Preservation Resolution (ELPR) and sends a message from that legislative body to Congress that the 2001 Authorization for Use of Military Force (AUMF) should expire at the end of the war in Afghanistan so that the government can not continue to use the AUMF as jurisdiction for it's claims that war is everywhere and anywhere and that the president can order the American Military to imprison without charge or trial people indefinitely detained far from any true battlefield; and

BE IT RESOLVED, That this Eaton County Tea Party formally request that the Eaton County Board of Commissioners approves the(ELPR) and hereby sends a message to Congress that sections 1021 and 1022 should be repealed and copies of this Resolution be immediately transmitted to Barack Obama, President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of Congress from Michigan, to John Roberts, Chief Justice of the United States Supreme Court; each justice on the United States Supreme Court; Michigan Governor Rick Snyder, Attorney General Bill Schuette, each justice on the Michigan State Supreme Court, and the Michigan State House Speaker and Senate Majority Leader and all County Board of Commissioners therein; and

BE IT FURTHER RESOLVED, that this Eaton County Tea Party formally request that the Eaton County Board of Commissioners approves the (ELPR) and hereby calls on Gov. Rick Snyder and the Legislature, and specifically Senator Rick Jones and Representative Deb Shaughnessy, to support and enact HB5768 that prohibits state/local employees and the national guard from aiding federal agents and or armed forces in any investigation, arrest, or detention of any citizen within Eaton County and the State of Michigan under the NDAA sections 1021 and 1022, of which, will help to safeguard our individual freedoms and civil liberties of the citizens of Eaton County and the State of Michigan from an overpowering federal government;

To whom it may concern:

The 2012 NDAA leaves to many variables for the manner of interpretation to the extent of what ideology the interpreter may hold! We as a free people can not ignore and permit this Pandora's Box of unconstitutionality, that's been opened to go uncontested!

Barack Hussein Obama admits, in his own words, that the NDAA sections 1021 and 1022 can be interpreted in an unconstitutional manner, however, his administration would never interpret said sections in an unconstitutional manner.

Obama quotes in his NDAA statement December 31, 2011;

Obama admits to the unconstitutionality of the NDAA:

The fact that I support this bill as a whole does not mean I agree with everything in it. In particular, I have signed this bill despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists.

Obama quotes, he will not authorize indefinite detention:

Moreover, I want to clarify that my Administration will not authorize the indefinite military detention without trial of American citizens. Indeed, I believe that doing so would break with our most important traditions and values as a Nation. My Administration will interpret section 1021 in a manner that ensures that any detention it authorizes complies with the Constitution, the laws of war, and all other applicable law.

You must ask yourself; which law will Obama as commander and chief of the USA, Adhere to, Constitutional law or Law of War.

Obama admits to the NDAA as being ill-conceived:

Section 1022 seeks to require military custody for a narrow category of non-citizen detainees who are "captured in the course of hostilities authorized by the Authorization for Use of Military Force." This section is ill-conceived and will do nothing to improve the security of the United States.

Ill-conceived, section 1022 claims for detention for belligerent acts and does not include the type and or whom commits those acts!

Obama admits to the potential to create uncertainty and the manner of interpretation:

While section 1022 is unnecessary and has the potential to create uncertainty, I have signed the bill because I believe that this section can be interpreted and applied in a manner that avoids undue harm to our current operations.

The uncertainty comes from the interpretation and the manner thereof! Do you really want to turn over the interpretation to Obama?

Obama admits that the NDAA gives him broad authority:

I have signed this bill on the understanding that section 1022 provides the executive branch with broad authority to determine how best to implement it, and with the full and unencumbered ability to waive any military custody requirement, including the option of waiving appropriate categories of cases when doing so is in the national security interests of the United States.

Think about it, according to Obama's own words, section 1022 gives him broad authority in implementation! Ask yourselves; do you really want Obama with that kind of authority?

Obama admits to the, across- the- board requirement for military detention:

I will not tolerate that result, and under no circumstances will my Administration accept or adhere to a rigid across-the-board requirement for military detention. I will therefore interpret and implement section 1022 in the manner that best preserves the same flexible approach that has served us so well for the past 3 years and that protects the ability of law enforcement professionals to obtain the evidence and cooperation they need to protect the Nation. In this comment, Obama, by his own words, admits that there are across-the-board requirements for military detention!

Where the Rubber Meets the Road

Resolution in support of Rep. Tom McMillins Michigan Liberty Bill HB: 5768, which makes it illegal for State of Michigan Officials, and National Guard members, to participate in the investigation and arrest of Michigan citizens without due process. I ask the Eaton County TEA Party to pass this Eaton County Liberty Preservation due process.

The federal NDAA, enacted on Dec 31, 2012, is in direct violation of the following "rights" granted to all people under the US Constitution: 1st, 4th, 5th, 6th, 8th, and 14th amendments. At the state level, NDAA directly violates the following sections of the MI State Constitution: Article 1 sections 7, 11, 14, 15, 16, 17, 20, 23, and 24. In order to protect these rights, it is time for Michiganders to speak up against this unconstitutional federal law!